

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ANTHONY PALERMO,)	
)	
Plaintiff,)	FILED: AUGUST 14 , 2008
)	08CV4623
v.)	JUDGE GOTTSCHALL
)	MAGISTRATE JUDGE VALDEZ
CONDOLEEZZA RICE, Secretary,)	
U.S. Department of State,)	
)	AEE
Defendant.)	

COMPLAINT

NOW COMES Plaintiff, ANTHONY PALERMO, by and through his attorneys, Jonathan C. Goldman and Arthur R. Ehrlich of GOLDMAN & EHRLICH, and complaining of Defendant, CONDOLEEZZA RICE, Secretary, U.S. Department of State, states as follows:

INTRODUCTION

1. This is an action for discrimination on the basis of race, gender and retaliation pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.*

JURISDICTION, VENUE AND JURY DEMAND

2. Plaintiff invokes the jurisdiction of this Court pursuant to 28 U.S.C. § 1331 and 42 U.S.C. § 2000e, *et seq.*

3. Plaintiff demands a trial by jury.

4. Plaintiff filed his Formal Complaint of Discrimination with the Department of State on November 2, 2006. This Complaint is timely as more than 180 days have passed since he filed his Formal Complaint of Discrimination and no final decision has been issued.

5. Venue is proper in the Northern District of Illinois, Eastern Division, as the alleged acts occurred herein.

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THE PARTIES

6. Plaintiff, ANTHONY PALERMO, is a resident of Melrose Park, Illinois. His gender is male and his race is Caucasian. Plaintiff previously opposed what he believed to be unlawful discrimination.

7. Defendant, CONDOLEEZZA RICE, is Secretary of the United States Department of State, Plaintiff's current employer.

BACKGROUND

8. Plaintiff began his career at the Department of State's Chicago Regional Passport Office in July of 1995. In 2004, Plaintiff filed a complaint in the U.S. District Court regarding his failure to receive two promotions. In settlement of that claim, Plaintiff was promoted to the position of Passport Operations Officer and was installed at the level of GS-11.

9. Plaintiff's position, however, should be classified as a GS-12. The duties of his position meet the criteria for a GS-12 designation and other Passport Operations Officer positions with identical job descriptions in other regional offices are classified as GS-12.

10. Plaintiff requested that Defendant conduct a desk audit and upgrade his position. Defendant delayed performing the desk audit, and Plaintiff's supervisors who were the subject of the initial U.S. District Court Complaint sabotaged his efforts to have his level changed from a GS-11 to a GS-12 by providing misinformation about Plaintiff's duties to the auditor, reducing Plaintiff's duties in the middle of the audit, and falsely reporting to the auditor that Plaintiff had sexually harassed a contract employee in the office. Defendant denied Plaintiff's request for an upgrade to the GS-12 position.

COUNT I - RACE DISCRIMINATION

11. The two supervisors who sabotaged Plaintiff's efforts to upgrade his position and the desk auditor who made the decision were African-American. In addition, other similarly-situated African-American Passport Operation Officers are rated as a GS-12, while Plaintiff is rated as a GS-11.

12. Defendant failed to correct Plaintiff's GS level because of his race (White) in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.*

13. Plaintiff is entitled to a retroactive increase of his GS level from 11 to 12.

14. In addition, Plaintiff has suffered mental anguish and emotional distress and is entitled to an award of compensatory damages.

15. Plaintiff is also entitled to reasonable attorney's fees and his costs of suit.

WHEREFORE, Plaintiff ANTHONY PALERMO prays that this Court enter judgment in favor of Plaintiff and against Defendant and award the following relief:

- A. Retroactive increase of his GS Level from 11 to 12;
- B. Compensatory damages;
- C. Reasonable attorney's fees and costs of suit; and
- D. Any other and further relief as this Court deems just.

COUNT II - GENDER DISCRIMINATION

1-10. Plaintiff repeats and realleges paragraphs one through ten of Count I as paragraphs one through ten of this Count II as though fully set forth herein.

11. The two supervisors who sabotaged Plaintiff's efforts to upgrade his position are female. In addition, other similarly-situated female Passport Operation Officers are rated as a GS-12, while the Plaintiff is rated as a GS-11.

12. Defendant failed to correct Plaintiff's GS level because of his gender (male) in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.*

13. Plaintiff is entitled to a retroactive increase of his GS level from 11 to 12.

14. In addition, Plaintiff has suffered mental anguish and emotional distress and is entitled to an award of compensatory damages.

15. Plaintiff is also entitled to reasonable attorney's fees and his costs of suit.

WHEREFORE, Plaintiff ANTHONY PALERMO prays that this Court enter judgment in favor of Plaintiff and against Defendant and award the following relief:

- A. Retroactive increase of his GS Level from 11 to 12;
- B. Compensatory damages;
- C. Reasonable attorney's fees and costs of suit; and
- D. Any other and further relief as this Court deems just.

COUNT III - RETALIATION

1-10. Plaintiff repeats and realleges paragraphs one through ten of Count I as paragraphs one through ten of this Count III as though fully set forth herein.

11. Plaintiff has engaged in prior protected activity against Defendant. On June 16, 2002, Plaintiff filed an EEO complaint of discrimination with Defendant based on his failure to be selected for a position. In 2004 and 2005, Plaintiff was involved in a U.S. District Court Civil Action against Defendant as a result of not being promoted to two positions. Plaintiff also contacted an EEO counselor alleging discrimination after he requested a desk audit and before the audit decision was made. Plaintiff's direct supervisors Brittany Williams and Terry Green as well as the Desk Auditor were aware of Plaintiff's previous complaints of discrimination.

12. In retaliation for Plaintiff's earlier opposition to discrimination, Defendant failed to correct Plaintiff's GS level in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.*

13. Plaintiff is entitled to a retroactive increase of his GS level from 11 to 12.

14. In addition, Plaintiff has suffered mental anguish and emotional distress and is entitled to an award of compensatory damages.

15. Plaintiff is also entitled to reasonable attorney's fees and his costs of suit.

WHEREFORE, the Plaintiff prays that this Court enter judgment in favor of the Plaintiff and against the Defendant and award the following relief:

- A. Retroactive increase of his GS Level from 11 to 12;
- B. Compensatory damages;
- C. Reasonable attorney's fees and costs of suit; and
- D. Any other and further relief as this Court deems just.

Dated: August 14, 2008

/s/ Jonathan C. Goldman

Jonathan C. Goldman of Goldman & Ehrlich,
as Attorneys for ANTHONY PALERMO

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